

IN THE DRAWINGS:

The drawings have been amended to correct formal errors and to better disclose and describe the features of the present invention as claimed. Specifically, in Figure 18A, the lead lines for the numerals 516 and 516b have been corrected, and in Figure 19C the lead line for the numeral 410h has been corrected. Further, formal drawing replacement sheets for the drawing Figures 1A though 19D, including the corrections to Figures 18A and 19C, have also been submitted with the accompanying Letter to the Office Draftsperson. Entry of the amendments to and the replacement sheets for the drawings is respectfully requested.

REMARKS

The above amendments to the above-captioned application along with the following remarks are being submitted as a full and complete response to the Office Action dated March 10, 2005 (U.S. Patent Office Paper No. 03042005). In view of the above amendments and the following remarks, the Examiner is respectfully requested to give due reconsideration to this application, to indicate the allowability of the claims, and to pass this case to issue.

With the filing of the above identified application on April 22, 2004, a Claim for Priority under 35 U.S.C. §§ 119 and 120 was requested. Acknowledgment of the Claim for Priority under 35 U.S.C. §§ 119 and 120 is respectfully requested.

Also, the Examiner is respectfully advised that on March 4, 2005 and May 9, 2005 Information Disclosure Statements were filed in the above-captioned application. Submitted herewith are copies of the postcards acknowledging receipt by the U.S. Patent Office and copies of forms PTO-1449 for these Information Disclosure Statements. Acknowledgment and consideration of these Information Disclosure Statements are respectfully requested.

Status of the Claims

As outlined above, Claim 1 through 6, 8 through 19, 21, 22, 28 through 31 and 52 through 88 are presently pending in this application. Claims 1, 2, 5, 6, 8 through 10, 12, 15, 18, 21, 22 and 28 through 31 have been amended. New Claims 52 through 88 have been added, but are withdrawn, along with previously withdrawn Claims 3, 4, and 13 through 17, these claims being withdrawn without prejudice or disclaimer, and with these withdrawn claims being directed to non-elected species, pending reconsideration and allowance of Claim 1 which, as amended, is generic to these previously new and withdrawn claims. Also, Claims 7, 20, 23 through 27 and 32 through 51 have been cancelled without prejudice or disclaimer.

The claims that have been cancelled, and that are not readable on the elected species of Figures 3A and 3B, are cancelled without prejudice or disclaimer. Applicant hereby reserves the right to file divisional applications on any or all of these cancelled claims, as well as to additional claims directed to the non-elected species.

Additional Amendments

The specification has been being amended, as previously set forth herein, to correct formal errors and to better disclose and describe the features of the present invention as claimed.

Entry of these amendments to the specification is respectfully requested.

Also, the drawings have been amended to correct formal errors and to better disclose and describe the features of the present invention as claimed. Specifically, in Figure 18A, the lead lines for the numerals 516 and 516b have been corrected, and in Figure 19C the lead line for the numeral 410h has been corrected. Further, formal drawing replacement sheets for the drawing Figures 1A though 19D, including the corrections to Figures 18A and 19C, have also been submitted with the accompanying Letter to the Office Draftsperson. Entry of the amendments to and the replacement sheets for the drawings is respectfully requested.

Prior Art Rejections

Claims 1, 2, 5 through 12, 18 through 23, 28 through 31, 33 through 35, 44, 45, 50 and 51 were rejected under 35 U.S.C. § 102(b) over U.S. Patent No. 3,972,333 to Laveen, hereinafter referred to as the Laveen '333 patent. This rejection is respectfully traversed.

Claims 1, 2, 5 through 12, 18 through 23, 28 through 31, 33 through 35, 44, 45, 50 and 51 were rejected under 35 U.S.C. § 102(b) over U.S. Patent No. 5,047,049 to Salai, hereinafter referred to as the Salai '049 patent. This rejection is respectfully traversed.

The above rejections of Claims 1, 2, 5 through 12, 18 through 23, 28 through 31, 33 through 35, 44, 45, 50 and 51 under 35 U.S.C. § 102(b) will be considered collectively.

It is respectfully submitted that the Laveen '333 Patent and the Salai '049 Patent do not disclose:

A forceps type apparatus for use with a hand, including: a pair of opposing blades, with the pair of opposing blades each including a proximal section, a middle section and a distal section, wherein the proximal end of the proximal section of one opposing blade connecting to the proximal end of the proximal section of the other opposing blade forming a first support location for engaging a portion of the radial side of the palmar surface of the hand without placing substantial pressure on a surface of the hand located over the carpal tunnel; and the middle section of each opposing blade connecting the proximal section and the distal section of a corresponding opposing blade, with the middle section of at least one opposing blade including an extension having a distal surface forming a second support location for engaging at least one of the middle finger or the ring finger of the hand, as respectively recited in amended independent Claim 1.

In contrast, the Laveen '333 Patent discloses a guide arm 17 provided with a series of ratchet teeth 19, and a pin 20 that extends transversely through tool holding arm 12 across

opening 18 in a position such that the pin 20 engages the ratchet teeth 19, such that the engagement of the teeth 19 with the pin 20 restrains parting movement of the arms 11 and 12. (Col. 2, lines 25-41).

It is respectfully submitted that the guide arm 17 provided with a series of ratchet teeth 19 which engage with the pin 20 for restraining movement of the arms 11 and 12 in the Laveen '333 Patent does not disclose the middle section of at least one opposing blade including an extension having a distal surface forming a support location for engaging at least one of the middle finger or the ring finger of the hand, as respectively recited in the forceps type apparatus of Claim 1. Therefore, it is further respectfully submitted that the forceps type apparatus of Claim 1 is not anticipated by the Laveen '333 Patent.

Additionally, in contrast, the Salai '049 Patent in Figures 3 and 4 disclose reference surfaces 50 and 52 for allowing the user to orient the needle holder 30. Further, the portion of the needle holder 30 in Figure 3 referred to by the Examiner (U.S. Patent Office Paper No. 03042005, page 3) is not specifically identified or described in the Salai '049 Patent, other than apparently being illustrated in Figure 3 as a part of handle 40 or 42. (Col. 2, lines 41-63).

Therefore, it is respectfully submitted that the portion of the needle holder 30 identified in Figure 3 of the Salai '049 Patent by the Examiner as an "extension", without being otherwise specifically identified or described in the Salai '049 Patent, does not disclose the middle section of at least one opposing blade including an extension having a distal surface forming a support location for engaging at least one of the middle finger or the ring finger of the hand, as respectively recited in the forceps type apparatus of Claim 1. Therefore, it is further respectfully submitted that the forceps type apparatus of Claim 1 is not anticipated by the Salai '049 Patent.

In view of the foregoing, withdrawal of the above identified rejections of Claims 1, 2, 5 through 12, 18 through 23, 28 through 31, 33 through 35, 44, 45, 50 and 51 under 35 U.S.C. § 102(b) is respectfully requested.

Reconsideration and allowance of Claims 1, 2, 5, 6, 8 through 12, 18, 19, 21, 22 and 28 through 31, and consideration and allowance of withdrawn claims 3, 4, 13 through 17 and new withdrawn Claims 52 through 88, are respectfully requested.

Conclusion

In view of all the above, Applicant respectfully submits that certain clear and distinct differences as discussed exist between the present invention as now claimed and the prior art references upon which the rejections in the Office Action rely. These differences are more than sufficient that the present invention as now claimed would not have been anticipated nor rendered obvious given the prior art. Rather, the present invention as a whole is distinguishable, and thereby allowable over the prior art.

Favorable reconsideration of this application as amended is respectfully solicited. Should there be any outstanding issues requiring discussion that would further the prosecution and allowance of the above-captioned application, the Examiner is invited to contact the Applicant's undersigned representative at the address and phone number indicated below.

Respectfully submitted,

Stanley P. Fisher
Registration Number 24,344

Juan Carlos A. Marquez
Registration Number 34,072

REED SMITH LLP
3110 Fairview Park Drive
Suite 1400
Falls Church, Virginia 22042
(703) 641-4200

June 10, 2005

SPF/JCM/JB